



## Procedure 501 –Response to Resistance

Office with Primary Responsibility:	СТА	Effective Date: Prior Revision Date:	September 14, 2020 July 6, 2020
Office(s) with Secondary Responsibilities:	PSC, PNC, TSC, SSD, MCC	Number of Pages:	11
Forms Referenced in Procedure:	SAPD Form #62-UOF SAPD Form #62	Related Procedures:	303, 309, 408, 512, 601, 605, 908

#### .01 INTRODUCTION

This procedure provides officers with guidelines on the use of non-deadly and deadly force. This procedure also explains the process officers shall follow for reporting use of force incidents.

#### .02 POLICY

- A. The San Antonio Police Department requires its officers to exhibit a sense of prudent judgment and restraint derived from departmental training, acquired knowledge, skills, and ability in the exercise or application of any level of force allowable under this policy.
- B. Officers shall use only the level of force necessary to accomplish a lawful police objective. At any time force is necessary, the officer shall apply the level of force reasonable for the situation.
- C. The San Antonio Police Department requires all officers to document use of force incidents electronically in the Blue Team computerized reporting system utilizing the use of force incident type, in accordance with this procedure. The Department also requires supervisors to respond to the scene of use of force incident review all Blue Team Use of Force entries *and* ensure the application of force conforms to departmental policy and procedures.
- D. All sworn personnel are required to log in to their Blue Team during their tour of duty and complete any entries requiring corrections, review or approval.

### .03 DISCUSSION

- A. The sanctity of human life and individual liberties are fundamental elements of modern society which vests police officers with the responsibility for the preservation and protection of these paramount values. In the pursuit of this responsibility, officers maintain the understanding that protection of property and apprehension of criminal offenders is subservient to the protection of life, including their own.
- B. In the course of discharging their duty, police officers are often confronted with situations requiring force to be exercised in order to effectively maintain public order and safety. This may be achieved on an ascending scale of the officer's presence, verbal communications, open/empty hands control, physical force, intermediate weapon and deadly force, according to and proportional with the circumstances of the situation. The application of force must be reasonable and commensurate to achieving a level of control that given the context cannot be obtained through the use of other alternatives.
- C. Although the use of a reasonable amount of force is authorized in appropriate circumstances, such as those involving the protection of the officer or others from bodily harm, officers must be aware unnecessary or excessive force violates Federal Statues, the Texas Penal Code and departmental policy.
- D. Deadly force will be used with great restraint and as a last resort only when the level of resistance or threats warrants the use of deadly force. The San Antonio Police Department places greater value on human life than on the protection of property; therefore, the use of deadly force strictly to protect property interests is not allowed.





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**.04 TERMINOLOGY** (For specific use within this procedure, see Glossary)

Active Resistance

Brandishing/Displaying Firearm

Electronic Control Devices (ECD)

Intermediate Weapon

Control Devices (ECD)

Lateral Vascular Neck Restraint

Control Devices (ECD)

Approved Weapon

Drive Stun Mode

Injury

Non-Deadly Force

Officer's Presence Oleoresin Capsicum (OC) Open/Empty Hands Control Passive Resistance Physical Force Probe Mode

Reasonable Force Takedowns Verbal Communications

Weapon Use of Force Review Board (New)

**Lateral Vascular Neck Restraint (LVNR)** - The lateral vascular neck restraint (LVNR), commonly known as a sleeper hold, or carotid chokehold, is a general term for a grappling hold that critically reduces or prevents either air (choking) or blood (strangling) from passing through the neck of an opponent. The restriction may be of one or both and depends on the hold used and the reaction of the victim. The use of a lateral vascular neck restraint (LVNR) is prohibited.

#### .05 APPLICATION OF FORCE

- A. With the exception of an officer's presence or verbal communications, the use of any type of force is not justified in response to verbal provocation alone.
- B. Police officers finding it necessary to use force to achieve a lawful police objective shall use only that amount of force to affect the objective.
- C. The use of force by an officer can be viewed as a matrix of force options used in response to a subject's actions and behavior. The force matrix illustrates the relationship between a subject's actions and the officer's response. As force options move from lesser to greater levels, the risk of injury to the suspects and/or officers increase. The matrix is designed to assist officers in understanding how force can escalate. However, an officer is not required to go through each escalation step if a reasonable method can resolve the situation in the safest and most expedient fashion.

OFFICER'S PERCEPTION OF SUSPECT'S ACTIONS						
	Compliant (Cooperative)	Passive Resistant	Active Resistant	Imminent Assault (Bodily Injury)	Imminent Serious Bodily Injury/Death	
Officer's Presence	✓	<b>✓</b>	✓	✓	✓	
Verbal Communications	✓	<b>✓</b>	✓	✓	✓	
Open/Empty Hands Control		✓	✓	✓	✓	
Physical Force			✓	✓	✓	
Intermediate Weapon			✓	✓	✓	
Deadly Force					✓	

- D. An officer should consider the following factors when assessing the need to exercise the use of force:
  - 1. Is the individual interacting peacefully or resisting?





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- 2. Is the individual armed?
- 3. If armed, is the weapon capable of causing serious bodily har or death to the officer or any other person.
- 4. What is the nature of the crime?
- 5. Does the suspect have a previous arrest record or history showing violence?
- 6. Number of suspects involved?
- 7. Are there any specific prohibitions or restrictions that may affect the imminent application of force?
- 8. How much support from other officers is available?
- E. A weapon must not be displayed or brandished as a threat unless its potential use in the situation would be reasonable, or if the circumstances clearly call for the use of a weapon to control a dangerous situation, or in accordance with Chapter 9 of the Texas Penal Code.

#### F. De-escalation of force:

- 1. Officers shall de-escalate their use of force once an allowed use of force has achieved compliance or a safe control of the situation.
- 2. If circumstances allow, Officers should attempt to de-escalate tense situations through "advisements, warnings, verbal persuasion, and other tactics" to reduce the need for force.
- 3. The de-escalation of force can be viewed as a direct relationship between an individual's resistance or threat level to an officer's use of force level. As an individual decreases his or her level of resistance or threat, the responding officer also decreases the level of force required to gain compliance or safe control of the situation.
- 4. Unless there is a serious threat of serious harm officers shall, identify themselves as a police officer and issue verbal warnings prior to using deadly force.
- G. Any officer present and observing another officer using force that is clearly beyond that which is reasonable under the circumstances shall, when in a position to do so, safely intercede to prevent the use of such excessive force. Officers shall immediately report these observations to a supervisor.

#### .06 USE OF NON-DEADLY FORCE

- A. When attempting to affect an arrest, officers should use verbal communications prior to the use of non-deadly force, if possible.
- B. If verbal communication has been exhausted or proven ineffective, officers are authorized to use open/empty hands control.
- C. If an open/empty hands control has been exhausted or proven ineffective, officers are authorized to use physical force.
- D. If physical force has proven ineffective or is not a reasonable option based upon the circumstances, officers are authorized to use an intermediate weapon to affect an arrest. Officers using intermediate weapons must be authorized to carry such weapons in accordance with GM Procedure 309, *Weapons*.
- E. Officers may resort to the use of an approved intermediate weapon when:
  - 1. Lesser methods have failed;





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- 2. In self-defense or defense of a third person;
- 3. Subduing or controlling a violent subject;
- 4. Subduing an actively resisting actor; or
- 5. Physical force has proven ineffective or is not a reasonable option based upon the circumstances.
- F. Oleoresin Capsicum (OC) Spray/Gel and/or Electronic Control Device (ECD)
  - 1. Only officers who have successfully completed a training course and are certified in the use of OC spray/gel and/or an ECD are authorized to carry and use OC spray/gel and/or ECD as an intermediate weapon. Additionally, only officers who have also successfully completed a 40-hour Crisis Intervention Training course are authorized to carry an ECD.
  - 2. Officers shall only carry and use department-issued OC spray/gel and/or ECDs.
  - 3. Officers shall carry the OC spray/gel and /or ECD in an authorized carrier.
  - 4. OC spray/gel and/or ECD shall not be brandished, displayed, or pointed at a subject in an intimidating manner unless an officer is attempting to prevent further escalation of force.
  - 5. Officers using OC Spray/Gel and/or ECD:
    - a. Oleoresin Capsicum Spray/Gel
      - (1) As with any other type of force, officers will end application of OC Spray/Gel when the subject discontinues resistance or aggression. OC Spray Spray/Gel is irritating to the eyes, nose, and skin. Any time OC Spray/Gel is used to control or subdue an actively resisting or violent subject, the officer will ensure the subject is decontaminated as soon as possible, to reduce the discomfort caused by the OC Spray/Gel. Decontamination consists of the application of water to the subject's eyes and face.
      - (2) Decontaminate prisoners exposed to OC Spray/Gel before they are transported to the Detention Center. Prisoners exposed to OC spray/gel, will be observed by an officer for 45 minutes to ensure the prisoner does not require medical attention. If, in the officer or supervisor's opinion, the prisoner appears to be in severe pain, discomfort, or exhibits unusual symptoms such as unconsciousness, profuse sweating, chest pain or slow, shallow breathing, the officer shall immediately request EMS to the scene.
      - (3) The decontamination process and amount of time the prisoner was observed will be documented in the officer's report and in the Summary section of the Blue Team use of force entry.
    - b. Electronic Control Devices (ECD) will be used in accordance with GM Procedure 512, *Electronic Control Devices*.

#### .07 USE OF DEADLY FORCE

- A. This section applies to all forms of deadly force, regardless of the type of instrument or weapon used.
- B. The use of deadly force is authorized only to protect an officer or another person from what is reasonably believed to be an immediate threat of death or serious bodily injury.
  - 1. An officer with reasonable belief his/her life or the life of another person is in imminent danger is justified in using deadly force to preserve that life.





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- 2. Justification for the use of deadly force is determined by the facts known or perceived by the officer at the time the deadly force is employed.
- If an officer encounters an immediate threat of death or serious bodily injury situation where they have to protect themselves or another person, the officer may use any means or tactic necessary to protect themselves or another person from the immediate threat.

### C. Avoiding the Use of Deadly Force

- 1. At the point when an officer should reasonably perceive the potential exists that deadly force may be an outcome of any situation, the officer must use reasonable alternatives, if time and opportunities permit. The reasonableness of the action is based upon the time available, the opportunity of performing the action, and the facts apparent to the officer prior to and during the incident.
- D. The use of deadly force against one who is fleeing from custody, or who is fleeing immediately after committing an offense, is prohibited unless the officer has probable cause to believe the suspect poses an imminent threat of death or serious bodily injury to the officer or a third party.
- E. Approved firearms are intended to be used as defensive instruments to prevent an assailant from completing a potentially deadly act. A firearm is discharged with the intent to stop a course of conduct.
- F. Firearms are not discharged under the following circumstances:
  - 1. As a warning shot;
  - 2. When it appears likely that a non-participant may be injured.
- G. Officers shall not discharge a firearm at or into a moving vehicle unless the occupants of the vehicle are using deadly force against the officer or another person, and such action is necessary for self-defense or to protect the other person.
  - 3. Officers shall not intentionally place themselves in the path of, or reach inside, a moving vehicle; and shall attempt to move out of the path of a moving vehicle.
  - 4. An officer in the path of an approaching vehicle shall attempt to move to a position of safety rather than discharging a firearm at the vehicle or any of the occupants of the vehicle.
  - 5. Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.
  - 6. Officers shall not discharge a firearm from his or her moving vehicle except as the ultimate measure of self-defense or defense of another.

#### .08 SHOULDER WEAPON DEPLOYMENT

- A. If physical force and the use of intermediate weapons have proven ineffective or are not reasonable options based upon the circumstances, officers authorized to deploy and use a department-approved shoulder weapon may do so to neutralize a threat that poses an imminent danger of serious bodily injury or death to any person.
- B. Officers shall only utilize a shoulder weapon consistent with the training received and in accordance with all GM Procedures and Standard Operating Procedures (SOPs).
- C. A shoulder weapon is intended to augment primary and approved handguns under circumstances where a hand-held weapon is not sufficient to neutralize a perceived threat that may result in serious bodily injury or death.





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- 1. A shoulder weapon may be used or deployed at a scene where it is requested by an officer or supervisor who is in a position to articulate the need for such support; and
- 2. Supervisors will ensure compliance with section .12 of this procedure.
- D. The decision to deploy or use a shoulder weapon will be dependent upon the actions of the subject, the threat facing the officer or other persons and the totality of circumstances surrounding the incident.
- E. As with any other type of force, officers will end the use of a shoulder weapon when the subject discontinues resistance, aggression, or when the threat has been sufficiently neutralized, and a shoulder weapon is no longer necessary to affect a police response.
- F. Shoulder weapons should not be brandished, displayed, or pointed at a subject in an intimidating manner unless an officer is attempting to prevent further escalation of force or finds it necessary to discharge the weapon to neutralize a threat of serious bodily injury or death to any person.
- G. More than one officer may deploy a shoulder weapon at a scene as dictated by the circumstances, keeping in mind the location of other officers, other persons, and other risk and safety variables involved.
- H. As soon as practical, an officer will immediately notify the Communications Unit of a shoulder weapon discharge and advise on whether there are any hits or injuries.
- Improper handling or inappropriate uses of a shoulder weapon will result in remedial or disciplinary action.

### .09 MEDICAL TREATMENT

- A. Prisoners, who are injured as a result of an officer's use of force, either physical, non-deadly, or deadly force, are provided immediate medical treatment in accordance with GM Procedure 601, *Prisoners*.
- B. Officers having prisoners who have been exposed to oleoresin capsicum (OC) Spray/Gel and/or ECD utilization, shall comply with Subsection .06 F of this procedure.

## .10 USE OF FORCE REPORT RESPONSIBILITIES

- A. Officers shall include in any required offense/incident report a detailed statement describing any force or threatened use of an ECD or firearm and the circumstances and facts surrounding the use or threatened use of force.
- B. Officers shall complete a Blue Team Use of Force Entry under the following circumstances:
  - 1. Any force used on an individual by an officer greater than an open/empty hands control technique, as listed in Subsection .05C of this procedure;
  - 2. Any force used by an officer that;
    - a. Causes injury to an individual;
    - b. Causes an individual to report injury to the officer, or;
    - c. Causes an injury that requires medical treatment, or;
    - a. Causes death to an individual.
  - 3. Pointing or discharging a firearm at an individual to accomplish a lawful police objective. Unholstering, brandishing or displaying a firearm including the low-ready position without pointing it at a person shall be reported in the officer's report but does not require a Blue Team use of force entry;





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- 4. The use of an intermediate weapon on an individual by an officer; and
- 5. When a police canine bites an individual.
- C. The discharging of a firearm in order to destroy an animal, in accordance with GM Procedure 605, Subsection .02F, does not require the completion of a Blue Team use of force entry.

#### .11 OFFICER RESPONSIBILITIES

- A. Although an officer's presence, verbal communication, open/empty hands control techniques, or the unholstering, brandishing or displaying of a weapon does not require a Blue Team use of force the details must be documented in the officer's report.
- B. Each officer using force during an incident which requires them to complete a Blue Team use of force entry, in accordance with Section .10 of this procedure shall:
  - 1. Notify the supervisor of the type of force used and whether the prisoner received any type of injury as a result of the use of force.
  - 2. Request the supervisor to respond to the scene, when necessary.
    - An officer may relocate the prisoner prior to the arrival of a supervisor due to a threat of violence or exigent circumstances.
    - b. If an officer does relocate from the scene, he shall notify the dispatcher and the responding supervisor.
  - 1. Complete a Blue Team use of force entry, documenting the specific type of force the officer used.
  - 2. Complete a detailed, accurate offense/incident report describing the force used and the circumstances and facts surrounding the use of force.
  - 3. Complete SAPD Form #62, *Injured Prisoners Report*, for those injured prisoners who receive medical treatment at a hospital, as outlined in GM Procedure 601, *Prisoners*.
  - 4. Attach a copy of the offense/incident report to the Blue Team entry and forward it to the supervisory officer who was notified of the use of force incident.
- C. The Blue Team use of force entry shall be completed before the officer ends their tour of duty on the day the use of force incident occurred, or as otherwise directed by the handling supervisor or as outlined in this procedure.

## .12 SUPERVISORS' RESPONSIBILITIES

- A. Supervisory officers who are assigned to handle a use of force incident, which requires a Blue Team use of force entry in accordance with Section .10 of this procedure shall:
  - 1. Respond to the scene if one of the following is present;
    - a. Any force used by an officer greater than an open/empty hands control technique, as listed in Subsection .05C of this procedure;
    - b. Any force used by an officer that causes injury to an individual, which requires medical treatment;
    - c. Any force used by an officer that causes death to an individual;
    - d. Discharging a firearm at an individual to accomplish a lawful police objective;





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- e. The use of an intermediate weapon by an officer; and
- f. When a police canine bites an individual.
- 2. Contact the officer(s) involved in the use of force, as listed above in this section 12.A.1.a-f, and
- 3. Request a UEDI to photograph the person who had the force, as listed above in this section 12.A.1.a-f, used against them. If a UEDI is unavailable a Crime Scene Unit Investigator shall be requested. In their absence, the responding supervisor will take the photos.
  - a. The photographs shall include photos of any documented, visible or alleged injuries.
  - b. The photographs shall take place as soon as practical after the incident.
  - c. The photographs will be handled in accordance with GM Procedure 408, Digital Photography.
- B. If a supervisor from the section is not available to respond to the scene of a use of force incident the dispatcher will send any available supervisor.
- C. The supervisor shall evaluate the circumstances surrounding the use of force incident and:
  - 1. Interview the prisoner, when available;
  - 2. Determine and ensure the use of force incident meets the criteria, which requires completion of a Blue Team use of force entry;
  - 3. Determine if departmental policies and procedures were followed;
  - 4. Ensure proper medical treatment has been offered to the prisoner and, if oleoresin capsicum (OC) spray/gel was used, the decontamination process is conducted;
  - 5. When an ECD has been utilized and the subject received an electrical charge, the supervisor relieves the officer of the ECD. The sergeant downloads the ECD's internal information onto the ECD computer tracking system. Afterward, the supervisor returns the ECD to the officer as soon as possible. The sergeant also issues the officer replacement cartridges when applicable;
  - 6. Ensure all officers who used force, in accordance with Subsection .10A of this procedure during the incident, complete a Blue Team use of force entry.
  - 7. Ensure the officer documents the incident on an Offense or Supplement report completely and accurately, before being submitted for review and entry into Blue Team, in accordance with Section .11 (B).
    - a. As soon as possible, but no later than 5 calendar days after the Use of Force incident, conduct a preliminary review the DME and reports.
    - b. As soon as possible, but no later than 15 calendar days after the Use of Force incident, forward the Blue Team entry through the Chain of Command for review and approval.
  - 8. Ensure the officer documents the incident in Blue Team, completely and accurately, in accordance with this procedure.
  - 9. Document in the 'Comments' section of the Blue Team use of force entry, when forwarding the incident through the chain of command for approval, details of the incident findings, if any procedural violations were observed which resulted in the use of force entry being duplicated into an Info Log, Line or Formal entry, and if BWC





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(Body Worn Camera) and COBAN (In Car Camera) videos were available along with which video(s) they reviewed.

- D. Procedural violations identified by the supervisor will be handled in accordance with GM Procedure 303, *Disciplinary Procedures*. Supervisors shall duplicate the use of force entry in Blue Team into a line or formal incident and route the line complaint disposition reports or formal preliminary complaint investigation reports utilizing Blue Team through the chain of command.
- E. If the officer(s) is unable to complete the Blue Team use of force entry, the supervisor shall enter the incident as soon as possible based on available information.
- F. Supervisors responding to incidents where officers are working out of their regular assignment will perform the initial review/approval of the officer's Blue Team use of force entry. The supervisor will then forward the Blue Team use of force entry to the responding supervisor's chain of command and courtesy copy the involved officer's Unit Director and Station/Section Commander. The responding supervisor's chain of command will be responsible for approving the entry and forwarding through the chain of command in Blue Team.
- G. Supervisors not responding to a use of force incident, as outlined in Subsection .12A of this procedure, shall document in the 'Comments' section of the Blue Team entry when forwarding through the chain of command, the reason they did not respond.
- H. The unit/shift director receiving a Blue Team use of force entry, shall review all reports and DME pertaining to the incident to ensure completeness and accuracy, that all department policies and procedures were followed based on information available and shall;
  - 1. Ensure that all related information on the use of force incident was entered in a timely manner and all pertinent documentation, to include, but not limited to, copies of any Offense reports/Supplement reports, and Taser downloads, is attached to the *Blue Team* entry as individual reports and not as one continuous report, regardless of the type.
  - 2. Document in the 'Comments' section, when forwarding the incident through the chain of command for approval in Blue Team, if he/she observed any procedural violations and if BWC and COBAN videos were available along with which video(s) they reviewed. If a procedural violation was observed, he/she shall ensure that the incident was duplicated into a Line/Formal entry and handled in accordance with GM Procedure 303, *Disciplinary Procedures*.
  - 3. As soon as possible, but no later than 25 calendar days after the Use of Force incident, forward the Blue Team entry through the Chain of Command for review and approval. Reference Section .15 (A) Flow Charts
- I. The station/section commander receiving an electronic *Use of Force Report* entry in *Blue Team*, shall review it and all reports pertaining to the incident to ensure all department policies and procedures were followed based on information available. The station/section commander shall then document in the 'Comments' section, when forwarding the incident to Internal Affairs, if he/she observed any procedural violations and if DME was available and viewed. As soon as possible, but no later than 35 calendar days from the Use of Force incident, forward the Blue Team entry to Internal Affairs, or the Division Commander if an ECD was deployed with contact. (Taser Use of Force incidents are forwarded to the appropriate Division Commander as per GM Procedure 512, *Electronic Control Devices*).
- J. As a result of a use of force incident in which multiple officers from different patrol shifts/units are required to enter a use of force incident into Blue Team.
  - 1. The involved officer(s) shall, immediately following the incident and prior to returning back in service, fill out, the Blue Team use of force incident and forward it to the assigned supervisor who made the scene. Each involved officer will enter his/her own use of force entry into Blue Team and an officer shall not add any additional 'involved officer's' to his/her use of force entry, under any circumstances.





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- i. The assigned supervisor who made the scene is responsible for reviewing and approving the Blue Team use of force incident of <u>all</u> officers involved in the use of force incident, regardless of unit assignment, prior to forwarding through the chain of command in Blue Team
- 2. The supervisor will route the incident in *Blue Team* through his chain of command and copy the Unit Director and Station/Section Commander(s) of the officer's from the different units/shifts.

#### .13 USE OF FORCE ANALYSIS

The *Chief's Use of Force Review Board* will meet monthly and review the monthly reports generated by Blue Team. The board will provide oversight for policy and procedural deficiencies, as well as for training and tactical anomalies. The board chairperson will update the Chief of Police on a monthly basis.

The *Use of Force Review Board* will include a Captain as a chairperson and two members from the rank of Lieutenant. The members will be empaneled for six months (January - June and July - December), following the same schedule as the Complaint and Administrative Review Board.

#### .14 POST EVENT PROCEDURES

- A. The Internal Affairs Unit will review the *Blue Team Use of Force* entry to ensure:
  - 1. The entry was properly routed through the chain of command; and
  - 2. There is no discipline paperwork attached to the entry if a policy violation was observed.
- B. All corrections and/or clarifications will be handled through the *Blue Team* Program and sent to the supervisor who was assigned and approved the incident.
- C. The supervisory officer receiving a notification/request for clarification of details or corrections shall ensure the corrections/clarifications are completed within five calendar days and resubmitted via *Blue Team* to the Internal Affairs Unit.
- D. The officer receiving a notification/request for clarification of details or corrections from a supervisor shall complete the corrections prior to the officer's end of shift of the day notified, or as otherwise directed by the supervisor. The entry will be resubmitted via *Blue Team* to that supervisor.
- E. Officers involved in the use of deadly force shall be placed on administrative duty or administrative leave in accordance with GM Procedure 908, *Mandatory Reassignment*.
- F. A use of force entry, where an identified policy violation was found while the incident is being reviewed, will be duplicated into a line or formal complaint and handled in accordance with above procedure and GM Procedure 303, *Disciplinary Procedures*.
- G. If a policy violation was found during an incident in which an officer was working outside of his assigned shift or found during an incident involving multiple officers from multiple units/shifts, the supervisory officer assigned to the use of force incident will conduct the preliminary investigation, duplicate the use of force entry into the appropriate incident type and forward the new incident with his findings to the officer's chain of command for follow up. The supervisor will copy his immediate chain of command for informational purposes only.

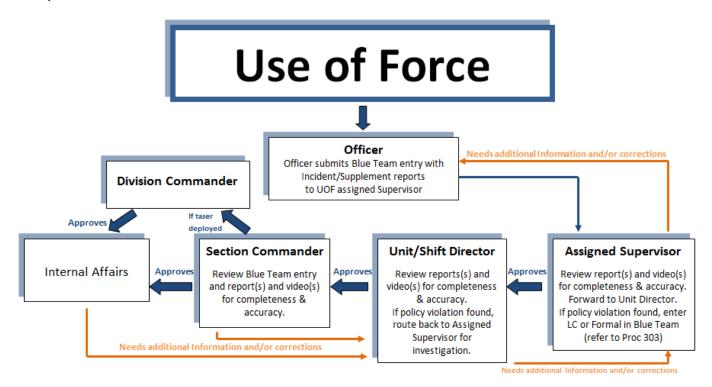




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### .15 FLOW CHARTS

Α.



B.

